From the INTERNATIONAL SEARCHING AUTHORITY					
TO: PETER C. MEI /VDD ENGHAM MCCUICHEN LLP THREE EMBARCADERO CENTER, SUITE 1800 DEC 0 5 SAN FRANCISCO, CA 94111-4067  Bingham McCuigney thing authority, or the declaration					
IP Docket	Dept. (PCT Rule 44.1)				
	Date of mailing (day/month/year) 01 DEC 2008				
Applicant's or agent's file reference VM7031436001	FOR FURTHER ACTION See paragraphs 1 and 4 below				
International application No. PCT/US05/08037	International filing date (day/month/year) 14 March 2005 (14.03.2005)				
Applicani VARIAN MEDICAL SYSTEMS TECHNOLOGIES, INC.					
I. The applicant is hereby notified that the international search have been established and are transmitted herewith.	h report and the written opinion of the International Searching Authority				
Filing of amendments and statement under Article 19: The applicant is entitled, if he so wishes, to amend the clair	ns of the international application (see Rule 46):				
When? The time limit for filing such amendments is a search report.	ormally two menths from the date of transmittal of the international				
Where? Directly to the International Bureau of WIPO, 1211 Geneva 20, Switzerland, Facsimile No.:	34 chemin des Colombettes (41-22) 338.82.70				
For more detailed instructions, see the notes on the sci	companying sheet.				
<ol> <li>The applicant is hereby notified that no international search Article 17(2)(a) to that effect and the written opinion of the</li> </ol>	[""]				
3. With regard to the protest against payment of (an) additi	[ ] A state of the state of the state of the sandar Pole of 2 the applicant is notified that				
request to forward the texts of both the protest and the	transmitted to the International Bureau together with the applicant's a decision thereon to the designated Offices.				
no decision has been made yet on the protest, the supp	licant will be notified as soon as a decision is made.				
Bureau. If the applicant wishes to avoid or postpone publication, a claim, must reach the International Bureau as provided in Rules 9 preparations for international publication.	, the international application will be published by the International antice of withdrawal of the international application, or of the priority bis. I and 90bis. 3, respectively, before the completion of the technical				
International Bureau. The International Bureau will send a copy preliminary examination report has been or is to be established, before the expiration of 30 months from the priority date.	the written opinion of the International Searching Authority to the of such comments to all designated Offices unless an international These comments would also be made available to the public but not				
examination must be filed if the applicant wishes to postpone the same Offices even later); otherwise, the applicant must, within 2 into the national phase before those designated Offices.	of some designated Offices, a demand for international preliminary entry into the national phase until 30 months from the priority date (in 0 months from the priority date, perform the prescribed acts for entry				
In respect of other designated Offices, the time limit of 30 menths	(or later) will apply even if no demand is filed within 19 months.				
See the Annex to Form PCF/IB/301 and, for details about the ap Volume II, National Chapters and the WIPO internet site.	uplicable time limits, Office by Office, see the PCT Applicant's Cuide,				
Pacsimile No. (703) 305-3230	DS WILLIAM DIXON Janiel Jord Telephone No. 571-272-1600  (See notes on Scompanying thee)				
Form PCT/ISA/220 (January 2004) Docket: (Ti) 70	3143-2001				
Action: Resp					
Date Due:	211100				

# **PCT**

### INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference VM7031436001	FOR FURTHER ACTION 85 Well	see Form PCT/ISA/220 as, where applicable, item 5 below					
International application No. PCT/US05/08037	International filing date (day/month/) 14 March 2005 (14.03.2005)	(Earliest) Priority Date (day/month/year) 15 March 2004 (15.03.2004)					
Applicant							
This international search report consists  It is also accompanie  I. Basis of the Report  a. With regard to the language, the the international a translation of the farms are found to the language of the constant of the internation of th	transmitted to the international bures of a total of sheets I by a copy of each prior art document international search was carried out on application in the language in which it the international application into furnished for the purposes of internation ide and/or amino acid sequence disclo I unsearchable (See Box No. II) ng (See Box No. III)	cited in this report.  the basis of: was filed.  , which is the language					
5. With regard to the abstract, the text is approved as subs							
the text has been establishe may, within one month from	d, according to Rule 38.2(b), by this Au n the date of mailing of this internations	othority as it appears in Box. No. IV. The applicant all search report, submit comments to this Authority.					
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as suggested by the							
	Authority, because the applicant failed						
, p.m.nq	Authority, because this figure better che	RESERVED THE DIFFERREDIE					
b. none of the figures is to be	published with the abstract.						

Form PCT/ISA/210 (first sheet) (April 2005)

### INTERNATIONAL SEARCH REPORT

International application No.

PCT/US05/08037

US CL. 378/8 A FELDS SEARCHED  Minimum documentation searched (classification (RC) or to both national classification and IPC  E FELDS SEARCHED  Minimum documentation searched (classification system followed by classification symbols)  US 1378/8,495,15,19  Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched  Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)  Please Sec Continuation Shoot  C DOCUMENTS CONSIDERED TO BE RELEVANT  Category * Citation of document, with indication, where appropriate, of the relevant passages  X US 6,269,140 B1 (TAKAGI et al.) 31 July 2001 (31.07.2001) see entire document.  A US 5,265,142 A (HSIEH) 23 November 1993 (23.11.1993) see entire document.  *** Journal of the continuation of the second to the origination or parate published on or after the international filing date  *** Journal of the continuation of the international filing date  *** Journal of the continuation of the second or after the international filing date  *** Journal of the continuation of the international filing date  *** Journal of the continuation of the international filing date  *** Journal of the continuation of the international filing date  *** Journal of the continuation of the international search  *** Journal of the continuation of the international search  *** Journal of the continuation of the international search  *** Journal of the continuation of the international search  *** Journal of the continuation of the international search  *** Journal of the continuation of the international search  *** Journal of the continuation of the international search  *** Journal of the continuation of the international search  *** Journal of the continuation of the international search  *** Journal of the continuation of the contin	A CLASSIFICATION OF SUBJECT MATTER	on				
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Meil Stop PCT, Asta: ISAUS Commissioner for Patents P.O. Box 1459 Alexandria, Virginia 22313-1459  MILLIAM DIXON  Alexandria, Virginia 22313-1459  Telephone No. 571-272-1600		Authorized officer	3.4			
P.O. Box 1450 Alexandria, Virginia 22313-1450  Telephone No. 571-272-1600	Mail Stop PCT, Asta: ISA/US	WILLIAM DIXON JANUEL	yora			
Frankling William (1992), 208-575B	P.O. Box 1450 Alexandria, Virginis 22313-1450	V	101			
Facsimile No. (703) 305-3230	Form PCT/ISA/210 (second sheet) (April 2005)	<u> </u>	i			

	International application No.
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INTERNATIONAL SEARCH REPORT	PCT/US05/08037
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Continuation of B. FIELDS SEARC. L3D Item 3:	
Search Text: EAST; US-PGPUB; USPAT; DERWENT; EPO; JPO; IBM_TDB; USOCK	
Search Terms: rotat\$4, gantry, CT, image, respiratory, cycle, x-ray and interval	
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From the	ONAL SEARO	ONIC ALITHO	TRITY			
INTERNATIONAL SEARCHING AUTHORITY  To: PETER C. MEI BENGHAM MCCUTCHEN LLP THREE EMBARCADERO CENTER, SUITE 1800 SAN FRANCISCO, CA 94111-4067		PCT  WRITTEN OPINION OF THE				
January 1	10,000, 0,11				INTERNATI	ONAL SEARCHING AUTHORITY
						(PCT Rule 43bis.1)
					Date of mailing (day/month/year)	01 DEC 2009
Applicant's	s or agent's file r	eference			FOR FURTHER	
VM703143	66001					
Internations	al application No	3,	Internatio	mal filing date	(day/month/year)	Priority dete (day/month/year)
PCT/US05/	/08037			2005 (14.03.2		15 March 2004 (15.03,2004)
1	al Patent Classifi	,				
	1K 1/12; H05G	1/60; A61B 6/	00; G01N :	23/00 and US (	CL: 378/8,4,95,15,15	
Applicant		NOTA 200 (THE NOTE OF		7 1527		
VARIANA	MEDICAL SYST	EMS IECHN	OLOGIE	S, BVC.		
1. This op	pinion conteins is	ndications rela	ting to the	following item	s:	
	Box No. I	Basis of the	opinion			
	Box No. II	Priority				
	Box No. III	Non-establis	hment of a	opinion with re	gard to novelty, inve	ntive step and industrial applicability
	Box No. IV	Lack of unit	y of invent	ion		
	Box No. V	Reasoned st	stement un	der Rule 43 <i>bis</i> and explanation	.1(a)(i) with regard t as supporting such s	a novelty, inventive step or industrial latement
	Box No. VI	Certain door	ments cite	ત્વે		
	Box No. VII	Certain defe	cts in the n	nternational app	olication	
	Box No. VIII	Certain obse	rvations or	n the internation	nal application	
	HER ACTIO					
If a demand for international preliminary exam. stion is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 65.1bis(b) that written opinious of this International Searching Authority will not be so considered.						
If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.						
For further options, see Form PCT/ISA/220.						
3. For furt	ther details, see r	notes to Form	PCT/ISA/2	2 <b>2</b> 0.		
Name and n	nailing address o	of the ISA/ US	1	Date of comple	tion of this opinion	Authorized officer
Ma Co	nil Stop PCT, Atta emmissioner for Pa O. Box 1450	: ISA/US		!1 October 200	S (21.10.2005)	WILLIAM DIXON JURILL FORM Telephone No. 571-272-1600
Ais	exandria, Virginia					Telephone No. 571-272-1600 / 27
	o. (703) 305-323 A/237 (cover six		<u></u> (5)			

# WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US05/08037

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1. With	regard to the language, this opinion has been established on the basis of:				
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	a translation of the international application into which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).				
2. With inven	regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed tion, this opinion has been established on the basis of				
a.	type of material				
	a sequence listing				
	table(s) related to the sequence listing				
ъ.	formst of material				
	On paper				
	in electronic form				
G,	time of filing/furnishing				
	contained in the international application as filed.				
	filed together with the international application in electronic form.				
	furnished subsequently to this Authority for the purposes of search.				
3.	In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.				
4. Additi	onal comments:				

# WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

international application No. PCT/US05/08037

Statement			
	Claims	12-13, 28-29 and 44-45	YE.
Novelty (N)		1-11, 14-27, 30-43 and 46-54	
			iv.
Inventive step (IS)	Claims	12-13, 28-29 and 44-45 1-11, 14-27, 30-43 and 46-54	NC NC
	Cranns	3711, 14-27, 30-47, 488, 19-39	
Industrial applicability (IA)	Claims	1-54	YE
22	Claims	NONE	NC
Citations and explanations:			***************************************
nce See Continuation Sheet			

International application No. PCT/US05/08037

## WRITTEN OPINION OF THE DYTERNATIONAL SEARCHING AUTHORITY

Supplemental Box

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	<ul> <li>V. 2. Citations and Explanations:</li> <li>7. Claims 1-1 1, 14-27, 30-43 and 46-54 lack revelty under PCT Article 33(2) as being anticipated by Takagi et al. (US Patent 6,269,140 B1).</li> </ul>
	With respect to claims 1, 17 and 33, Takagi reaches a method, computer readable medium associated with a data processing section (20)
	and having a set of stored instruction, the execution of which causes a method to be performed (column 5, lines 45-62) and system for collecting computed tomography (CT) image data, comprising irradiating a portion of the patient with x-rays from an x-ray source
	disposed in a rotating gantry and detecting ones of the x-rays transmitted through the portion of the patient body to obtain image data; rotating the gantry to collect at set of CT image data of a lung of a patient, wherein each set of the CT image data corresponds to a
	phase of a respiratory cycle (column 7, lines 4-20).
	With respect to claims 2-5, 18-21 and 34-37, Takagi teaches repeating the step of rotating to start scanning of the portion of body of the patient at substantially same phase within the different respiratory cycles (column 7, lines 45-53).
	With respect to claims 6-11, 22-27 and 38-43, Takagi teaches controlling a rotation speed of the gantry in accordance with the output signal of breathing phase of the patient (column 7, lines 5-20 and 42-50).
	With respect to claims 14-16, 30-32 and 46-48, Takagi teaches generating motion data associated with a breathing of the patient. Further method comprises synchronizing the collected CT image data and the motion data and spring the collected CT image data such that CT image data that correspond to a same place of a reconstruct of value are grouped for CT image reconstruction (column 7, lines 7-30), claims

With respect to claims 30 and 53, Takagi teaches controlling a speed of the gantry based on the data samples (column 7, lines 42-54).

With respect to claim 49 and 52, Takagi teaches a method for generating a computed tomography (CT) image and computer readable medium associated with a data processing section (20) and having a set of stored instruction, the execution of which causes a method to be performed (column 5, lines 45-62), comprising: irradiating a portion of the patient with x-rays from an x-ray source disposed in the rotating gantry and detecting ones of the x-rays transmitted through the portion of the patient body to obtain image data; collecting data samples representative of a physiological movement of a petient due to breathing; rotating a gantry to acquire image data of at least a part of the patient; gathering image data acquired at a same phase of a breathing cycle; and generating a CT image using the gathered image data (column 7, lines 4-21 and 42-53 and claims 9-11).

With respect to claims 51 and 54, Takagi teaches that the generating the CT images comprises constructing a volumetric image (column 5, line 63 ~ column 6, line 9).

9-11).

#### NOTESTO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under Article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article," "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

### INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file imendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

### What parts of the international application may be amended?

Under Article 19, only the claims may be amended

Ouring the international phase, the claims may also be amended for further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Preliminary Examining Authority

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When? Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

#### Where not to the the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How? Either by cancelling one or more entire claims. In adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the clasms which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

### What documents must/may accompany the amendments?

#### Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

From the INTERNATIONAL SEARCHING AUTHORITY PETER C. MEI BINGHAM MCCUTCHEN LLP NOTIFICATION OF TRANSMITTAL OF THREE EMBARCADERO CENTER, SUITE 1800 THE INTERNATIONAL SEARCH REPORT AND SAN FRANCISCO, CA 94111-4967 THE WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTTORITY, OR THE DECLARATION PC Rule 44.1) Date of (0.00 Applicant's or agent's file reference TI See paragraphs 1 and 4 below VM7031436001 International application No. PCT/US05/08037 zh 20、 (14.03.2005) Applicant VARIAN MEDICAL ST . International Searching Authority The applier. a that the interper mal search a tizur dhere th. have been co .... Filing of amen ... ad statement under Arca. 19: The applicant is catitled, if he so wishes, to amend the deims. Rule -When? The time limit for filing such amendments is noner mittal of the international search report. Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes 1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70. For more detailed instructions, see the nows on the accompanying sheet The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith. With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices. no decision has been made yet on the protest, the applicant will be notified as soon as a decision is made. 4. Reminders Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 905/s.1 and 905/s.3, respectively, before the completion of the technical preparations for international publication. The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date. Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 26 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices. In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months. See the Annex to Form PCT/IR/301 and, for details about the applicable time limits, Office by Office, see the PCT Applicant's Guide, Volume II, National Chapters and the WIPO Internet site. Name and mailing address of the ISA/ US Authorized officer Mail Stop PCT, Atta: ISA/US WILLIAM DIXON Commissioner for Patenta P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230 Telephone No. 571-272-1600

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